

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

In Re:)	
)	
Kerstan Holmes, Arlene Holmes, <i>Debtor</i>)	
)	Case No. 08-40786 DRD
Chevy Chase Bank, FSB, by Capital One fka Chevy)	
Chase Bank, loan servicing agent for <i>Moving Creditor</i>)	Chapter: 13
)	
vs.)	
)	
Kerstan Holmes, Arlene Holmes, <i>Debtor</i>)	
)	
and)	
)	
Richard V. Fink, <i>Trustee</i>)	
)	

ORDER GRANTING RELIEF FROM STAY
AFTER DEFAULT OF CONDITIONAL ORDER

THIS MATTER comes on for consideration upon the Notice of Default of Conditional Order by Chevy Chase Bank, FSB, its subsidiaries, affiliates, predecessors in interest, successors or assigns ("Creditor"). Based upon the pleadings filed and the evidence produced, the Court makes the following findings:

1. The parties entered into a Conditional Order Granting Relief from the Automatic Stay with Curative Provisions on January 6, 2009, which requires the Debtor to make certain payments in addition to the regular ongoing mortgage payment.
2. The Debtor failed to comply with the terms of the Conditional Order and is in default thereof.
3. Cause exists pursuant to 11 U.S.C §362(d) to lift the Automatic Stay

IT IS THEREFORE BY THE COURT ORDERED that Chevy Chase Bank, FSB, its subsidiaries, affiliates, predecessors in interest, successors or assigns, is granted relief from the automatic stay imposed under 11 U.S.C. §362 to foreclose the lien of its mortgage as to the real property legally described as

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All of Lot 36, HIGHRIDGE MANOR, a subdivision in Pleasant Valley, Clay County, Missouri, according to the recorded plat thereof, commonly known as 7105 Boucher Circle, Pleasant Valley, MO 64068,

and after the sale, to pursue any other remedies the purchaser may have pursuant to the terms of the promissory note and mortgage, including enforcing rights to possession of the premises under the terms of the promissory note and mortgage in accordance with applicable non-bankruptcy state law, and

IT IS FURTHER ORDERED that this Order for Relief from the Automatic Stay shall be effective immediately and that there shall not be a stay of enforcement of this Order pursuant to Federal Rule of Bankruptcy Procedure 4001(a)(3).

IT IS FINALLY ORDERED that relief from the automatic stay is applicable even if the case is converted, unless otherwise specifically ordered.

IT IS SO ORDERED.

Dated: 11/9/09

/s/ Dennis R. Dow
Judge, U.S. Bankruptcy Court